

REMARKS

Claims 1-87 are pending. The Office alleges that the claims are directed to two distinct and independent inventions as follows:

Group I: Claims 1-86, directed to a method of purifying cells, and

Group II: Claim 87, directed to a cell.

Applicants traverse the Restriction Requirement for the reasons stated below. Nevertheless, in order to be responsive to the Office Action, Applicants elect the invention of Group I, claims 1-86, directed to a method of purifying cells. Applicants reserve the right to pursue prosecution of the non-elected claims in a later filed application claiming the benefit of priority of the above-identified Application.

Applicants traverse the Restriction Requirement with respect to the division of the claims of Group I from the claim of Group II. Applicants submit that, while the claims of Group I are patentably distinct from the claim of Group II, a thorough search of the elected claims of Group I will include art relevant to the claim of non-elected Group II and that search and examination of the entire application does not pose a serious burden to the Examiner. For example, a thorough search of the claimed method of purifying cells in claims 1-86 will reveal art relevant to the cell of claim 87. Therefore, Applicants submit that examination of the cell claimed in Group II together with the method claims of Group I would not constitute a serious burden on the Examiner and respectfully request rejoinder.

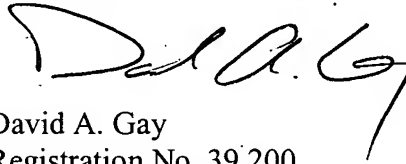
CONCLUSION

In view of the remarks submitted herein, Applicants respectfully request that claims 1-86 of Group I be examined. In addition, Applicants request the Examiner reconsideration and rejoinder of the claims of Group I and the related claims of Group II for substantive examination on the merits.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'D.A. Gay', with a long, sweeping horizontal stroke extending to the right.

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